



Land Use and Zoning Meeting Minutes

February 21, 2013

STAFF:	David Radachy
DATE:	February 22, 2013

The Land Use and Zoning Committee hereby finds and determines that all formal actions were taken in an open meeting and that all deliberations of the Land Use and Zoning Committee, which resulted in formal action, were taken in a meeting open to the general public, in full compliance with applicable legal requirements of Section 121.22 of the Ohio Revised Code.

The meeting was called to order at 6:30 p.m.

Attendance was taken by sign-in sheet. The following members were present: Messrs., Hanford, Kenyon, Morse, Terriaco, and Welch and Ms. Diak. Staff: David Radachy.

No public comments were made.

Mr. Radachy stated that there were cases from Concord Township, Madison Township and Painesville Township on the agenda.

Concord Township Text Amendment – Amending Sections VIII, Zoning Commission

Staff stated that this amendment will reorganize the section to make it flow better by adding language directly from ORC 519.12. This amendment was adding additional items that are required by the ORC to be in the public hearing. It was changing the regulations that currently require the Township Trustees to have a unanimous vote to requiring only a majority vote.

Staff stated that these regulations are not addressed by the Concord Township Comprehensive Plan.

The title of the Section is misleading. There are two subjects in this Section: The Zoning Commission and amending of the zoning resolution. Both subjects are defined by two different sections of the ORC. ORC 519.04 defines zoning commissions, and ORC 519.12 defines amendments. Staff stated that Leroy Township's and Painesville Township's Zoning Resolutions have similar sections on zoning commission and amending the zoning resolution. Their title for that section is Township Zoning Commission and Amending the Zoning Resolution. Perry Township has a separate section for zoning commission and one for amending.

Staff noted that according to the Lake County Public Officials Directory, currently Concord Township Zoning Commission is made up of five members and two alternates. Alternates are allowed under ORC 519.04. It was stated that the current Section VIII and the proposed Section VIII of the Concord Township Zoning Resolution defines the Zoning Commission as being five members who are people who live in the Township. There is no mention of alternates in the proposed or current language. Staff received a copy of the Concord Township resolution from 2009 creating alternates for the Zoning Commission. Staff stated that this is not part of the zoning resolution.

ORC 519 allows for the Township Trustees to appoint a zoning secretary, but there are no duties for the zoning secretary listed in the ORC. The duties of a zoning secretary are not defined in this Section of the Concord Township Zoning Resolution.

Staff stated that there were some minor language issues. The regulations use both County Planning Commission and Lake County Planning Commission. Section 8.05 B references 8.4 instead of 8.04 in regards to the certification of the resolution.

Staff stated that ORC 519.12 D states what is required to be in the public hearing notice in the newspaper. Section 8.05 B is copied directly from that section of law. There is no requirement that the section of the zoning resolution being changed or current or proposed zoning being stated in the public notice be done nor does it require the description of where the district amendment is located or amount of land involved. The ORC and the proposed zoning resolution section do require a statement based on the motion, application or resolution which would have this information.

Staff stated that ORC 519.12 E and ORC 519.12 H are confusing sections. Both state that “after the public hearing”. The intent of this regulation is stating after the public is over, closed, adjourned, or concluded, the board shall take action within a specified time period. This section of ORC is unclear.

Staff noted part of the current Section VIII was left off. Current Section 8.05, the section requiring an applicant to wait 365 days to request the same reclassification previously considered, was removed from the regulations. Staff was unclear on why this section was not included.

There were some concerns on notice to the public on district changes of more than 10 lots and text amendments for the zoning resolution. Both types only require a newspaper notice, which could be easily overlooked by property owners that would be affected. Staff stated that there are several options. The Township could send a postcard to all the affected property owners. They could utilize e-mail, Facebook, or Twitter. The committee discussed the various options. They discussed adding another layer between eleven and 100,000 parcels. They were considering requiring a notice for any change that affected under 25% of the total number of households from the last Census. They also discuss how postcards would be costly because of postage costs and staff time to prepare the notices. E-mail would also be time consuming. The Committee liked the Facebook option. If the Township posted the notice on their Facebook page, it would get posted to all of their “friends” pages.

Staff recommended:

- Change the name of the Section from Township Zoning Commission to Township Zoning Commission and Zoning Amendments.
- Revise 8.01 to read: There is hereby created a Township Zoning Commission, an advisory board, consisting of five (5) members **and two alternates. These members and alternates shall** reside in the unincorporated area of Concord Township. **The members shall be** appointed by the Board of Township Trustees, for a term of five (5) years beginning April 1, and the terms of members shall be so arranged that the term of one member shall expire each year, and the terms of members shall be so arranged that the term of one member shall expire each year. **The alternates shall be appointed by the Board of Township Trustees, for a term of two (2) years beginning April 1, and the terms of members shall be so arranged that the term of one member shall expire each year.** A Zoning Commission Secretary shall be appointed by the Board of Township Trustees at the first meeting of each year **to assist the Zoning Commission in their duties.** Each member
- Section 8.08 should read “Within five working days after an amendment’s effective date, the Board of Township Trustees shall file the text and maps of the amendment in the office of the County Recorder and with the **Lake** County Planning Commission.
- Change 8.4 to 8.04 in Section 8.05 B.

- Change "...after the public hearing.." to "after the public hearing has closed..." in Section 8.05 B and 8.06 B.
- Return current 8.05 to the regulations as 8.09.

The Committee added:

- The Township should study if they could or should require a notice to be posted on their Facebook page, Twitter account or other types of social media.
- Revise 8.01 to read: Each member shall serve until his/**her** successor has been appointed...

Mr. Kenyon made a motion recommending approval with staff's recommendations and the Committee revisions.

Mr. Hanford seconded the motion.

All voted "Aye".

Motion passed.

Madison Township District Change M-1, AR, B-2 to AR and B-3

Staff stated that the Madison Township Zoning Commission passed a motion to rezone 205.37 Acres M-1, Industrial, to AR, Agricultural Residential; 85.23 M-1, Industrial to B-3, Wholesale and Trade Commercial; 34.85 B-2 Regional Business to B-3, Wholesale and Trade Commercial and 11.83 B-2, Regional Business to AR, Agricultural Residential. Staff stated that this second item that was recommended to be done by the 2009 Madison Township Comprehensive Plan. The first item was revising the permitted uses into an use table and the B-3 District was created through that process.

Staff stated that the proposed area of the district changes was based on the Comprehensive Plan map. This area was based on another district, open space development, being created. Open space development is a district that would develop the area along the Arcola Creek as residential based on current flood zones. This district amendment did not take into consideration current zoning. There are areas south of North Ridge Road that would be left as M-1 that would be very narrow. It did not make sense to change their zoning districts until the open space district was ready. The committee asked staff to explain this further. There was also some concern that a business on Bennett Road, near US 20, would be rezoned to AR. Staff showed the air photo with the building to prove it was still in B-3.

Staff recommended to change the district on the north side of US 20, the south side should remain the same.

Mr. Hanford made a motion recommending approval with staff's recommendations and the Committee revisions.

Mr. Kenyon seconded the motion.

All voted "Aye".

Motion passed.

Madison Township Text Amendment – Creation of Section 114.05.06 Donation Boxes

Staff stated that Madison Township was adding language to regulate donation boxes. The new regulations would define two types of boxes, stand alone and ones in conjunction with a facility. The regulations would limit the number of donation boxes to two stand alone boxes and one facility base box on a lot. They would limit the size of the boxes to 96 cubic feet for stand alone and 30 yards for facility based. The new language would regulate location. It would require the unit to be on a hard surface and located next to the facility for the larger units. The regulations would also regulate the size of the signs on the box. The most important regulation was

the requirement that an operator had to have permission of the landowner in writing prior to installing the box. Staff stated that the definitions should be in Section 101, Definitions.

The Committee discussed various aspects of the language. They asked what was involved in maintaining the bins and what a safety hazard was. They felt that health and safety should be included in the regulations. The Committee asked if these regulations would cover the newspaper recycling bins. Staff stated no. The committee discussed the locations of current newspaper bins in Madison Township and debate if they should have the Zoning Commission study the issue to see if they need regulations for newspaper bins.

Staff recommended that the definitions should be moved to Section 101, Definitions.

The Committee recommended that language regarding maintenance of the bins should be based on health and safety. Health and safety should be included in the regulations. They recommended that the Madison Township study the possibility of adding regulations for newspaper recycling bins.

Mr. Terriaco made a motion recommending approval with staff's recommendations and the Committee revisions.

Mr. Morse seconded the motion.

All voted "Aye".

Motion passed.

Painesville Township Text Amendment – Revisions to Section 2, 12.02, 12.05, 29.06 and 32.17

Staff stated that the Zoning Commission was adding reference to all forms of the term of Painesville Twp. Board of Trustees to Section 2. For an example, Trustees, Board of Trustees, Painesville Township Board of Trustees all mean the same group.

Staff stated that they are changing the term outside dining to outdoor dining in Section 12.02. They are revising the order of three of the conditional uses on the list of conditional uses. They are moving Meeting, Banquet and Community Center from Q to S and moving item R to Q and item S to R. They are also adding the requirement that fence for outdoor dining cannot be more than eight feet in height to the Outdoor Dining Conditions as 12.05 (L) (j). This was a recommendation from last month. There is now an exclusion for used vehicles as antiques in the antique store conditions in Section 12.05 (R)(a).

The revisions included adding conditions for similar uses approved by the Board of Township Trustees and how to apply for the similar uses to Section 12.05 as item S. Similar uses are uses that the Trustees approve that are not listed as a use, but are similar in nature to an existing use. For example, if an ice cream store is a permitted use, an operator of a frozen yogurt store could apply as a similar use.

The Zoning Commission is also adding conditions for Meeting Halls/Centers, Banquet Halls/Centers, Auditoriums, Party Centers as 12.05 (T). They are changing asphaltic concrete to concrete in Sections 12.05(E)(d), 12.05(N)(d), 12.05(O)(d), 12.05(P)(d) and 12.05(Q)(d).

In Section 29.06 that the pavement type of parking lot expansion or modification must be the same type of what exists or remains from the original parking lot.

Finally, they are adding that it only takes a majority of Trustees to change a Zoning Commission recommendation to Section 32.17 (C), the Approval of FPUD. This will bring Painesville Township into compliance with State law.

Staff stated that the term “petition” is being used correctly in Section 12.05 (S). Petition can mean to apply for. Staff was concerned that the term “petition” has gained a meaning of being a document signed by many people to ask the government or higher authority to change something. Using petition may cause confusion in the future.

Currently, Section 22.02 is using the meeting, banquet, and party center as the name of the conditional use. The name meeting hall and banquet hall are not used in the list of conditional uses in Section 22.02. The terms in Section 12 and Section 22 should conform to one and another. Auditorium is currently not on the list.

Staff recommends to either add “Hall” after Meeting and Banquet in Section 22.02 or remove Hall from Section 12.05 (S) and add Auditorium as a conditional use in Section 22.02.

The committee discussed if gravel was a permitted surface for a parking lot. Staff stated no. Some of the members of the committee did not agree with not allowing gravel. They felt that it was a better surface because it was cheaper and it was more permeable than concrete.

Ms. Diak made a motion recommending approval with staff’s recommendations.

Mr. Hanford seconded the motion.

Five voted “Aye”.

One voted “Nay”.

Motion passed.

Mr. Welch asked for any new business. Staff stated that there was none.

Mr. Welch asked for any old business. Staff stated that there was none.

There was no public comment.

Mr. Kenyon made a motion to adjourn

Mr. Hanford seconded.

All voted “Aye”.

Motion passed.

The meeting adjourned at 7:30 PM.